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Docket No. 10806-105

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Lauren Jessenden

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Ib Mendel-Hartvig et al : Paper No.: 1641
Serial No.: 09/713,763 : Group Art Unit: 4553
Filed: November 15, 2000 : Examiner: C. Chin
For: Assay Device and Use Thereof

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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Official Action dated August 13, 2003, the Examiner required restriction under 35 U.S.C. §121 between claims 1-21 and 25-28 drawn to a test device and kit and claims 22-24 drawn to a method of performing an assay. Applicants hereby elect the invention of claims 1-21 and 25-28. This election is made with traverse on the basis that, as claims 22-24 employ the test device of claim 1, it would not be unduly burdensome for the Examiner to examine claims 22-24 with claim 1. Accordingly, reconsideration of the restriction requirement and examination of all of claims 1-28 in the present application is requested.

Respectfully submitted,

By Holly D. Kozlowski
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September 15, 2003

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